

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

HAN LUU THI GARCIA,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

1:16-cv-553 (LMB/TCB)

ORDER

Before the Court is a Report and Recommendation (“Report”) issued by a magistrate judge on December 13, 2016 [Dkt. No. 18], which recommended denying plaintiff’s Motion for Summary Judgment [Dkt. No. 12] and granting defendant’s Motion for Summary Judgment [Dkt. No. 14]. See Report at 21. Specifically, the magistrate judge found that, contrary to plaintiff’s contentions, the Administrative Law Judge (“ALJ”) met the requirements of SSR 96-8p by providing a narrative analysis of the available evidence, id. at 14, adequately accounted for plaintiff’s moderate limitations in concentration and persistence by determining that plaintiff’s residual functional capacity was “limited to simple, routine, repetitive tasks with no production rate for pace of work,” id. at 17, and adequately explained why the vocational expert’s testimony that plaintiff’s past relevant work was equivalent to a DOT 352.677-018—a waitress at a club—was consistent with the DOT job descriptions, id. at 19.

The parties were advised that any objections to the Report had to be filed within 14 days and that failure to file a timely objection waived the right to appeal the substance of the Report and any judgment based upon the Report. Id. at 22. As of the close of business on January 8, 2017, no party had filed an objection; therefore, the Court reviews the magistrate judge’s findings for clear


error. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). The Court has reviewed the Report and the case file and finds that the Report's findings are not clearly erroneous. Accordingly, the Report [Dkt. No. 18] is ADOPTED, plaintiff's Motion for Summary Judgment is DENIED [Dkt. No. 12], defendant's Motion for Summary Judgment is GRANTED [Dkt. No. 14], and it is hereby

ORDERED that this civil action be and is DISMISSED WITH PREJUDICE.

The Clerk is directed to enter judgment in favor of the defendant pursuant to Fed. R. Civ. P. 58, to forward copies of this Order to counsel of record, and to close this civil action.

Entered this 9<sup>th</sup> day of January, 2017.

Alexandria, Virginia

  
\_\_\_\_\_  
Leonie M. Brinkema  
United States District Judge